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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,698	01/14/2004	Michael F. Lisowski	P00703-US-00	4126
22446	7590	07/26/2005	EXAMINER	
ICE MILLER ONE AMERICAN SQUARE BOX 82001 INDIANAPOLIS, IN 46282			CHOI, JACOB Y	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/757,698

Applicant(s)

LISOWSKI ET AL.

Examiner

Jacob Y. Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/14/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second position, wherein the sign light shield reflects an insignificant amount of light through the lens must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: the term "it" is unclear and indefinite. Appropriate correction is required.
4. Claims 1, 2, and 26 are objected to because as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There are sufficient amount of omission to structural cooperative relationship with the sign light shield in the automotive headlamp assembly, where the sign light shield, in second position, the sign light shield reflects an insignificant amount of light through the lens or the sign light shield does not reflect any light through the at least one lens.

Note: the examiner believes that in second position, the sign light shield reflects an insignificant amount of light (high beam) through the upper portion of the lens as supported in applicant's drawing figures and the specification.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

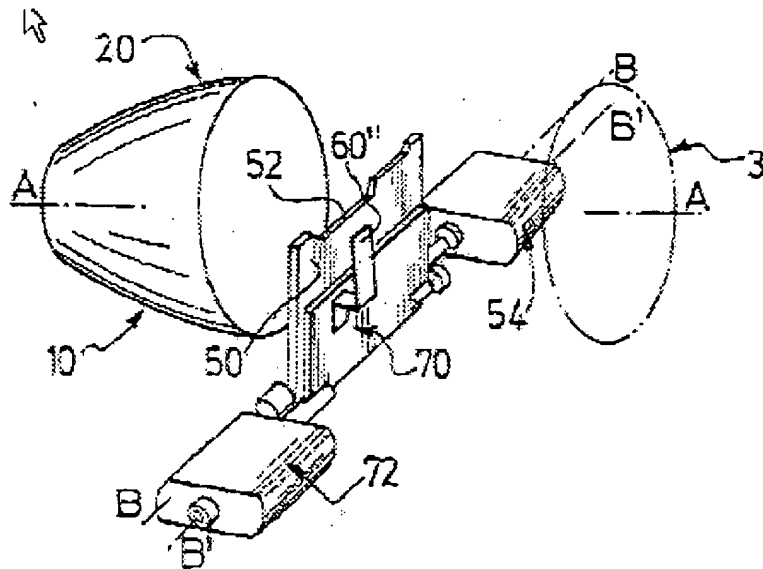
6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albou et al. (USPN 6,874,923) in view of Matsumoto et al. (USPN 6,736,533).

Regarding claim 1, Albou et al. discloses at least one reflector (20), at least one light source (14) positioned within the at least one reflector (Figures 1 and 4), and at least one sign light shield (70, 60") positioned and located in front of the at least one light source (14), wherein the sign light shield (70, 60") is moveable between a first position (Figures 6-8), wherein the sign light shield provides a main beam (columns 4-5, lines 65-9), and a second position, wherein the sign light shield provides a high beam (Figure 6).

Albou et al. discloses the claimed invention except for the details of the sign light shield reflects light through the at least one lens's upper portion.

Albou et al. suggest, columns 4-5, lines 65-2 and 20-30 (*obscuring element 60" is formed on a movable support 70 so as to be able to be interposed in the light beam*

*according to the characteristics which it is wish to confer ... according to the part of the light beam which it is wished to modify, the obscuring element 60'' can be designed so that it has a predetermined shape and a predetermined position with respect to the optical axis AA).*



Matsumoto et al. teaches a similar vehicular projection type headlamp including a shade (20) partially blocking light reflected by a reflector and a visor like shield plate (22) attached on the back of the shade. The shade has an opening near the upper edge so as to allow a light distribution pattern to be formed for overhead sign illumination by the light radiated forward through the opening (Figures 4 and 7).

Regarding claim 2, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the second position places the sign light shield in a location where it reflects some light through the lens.

Regarding claim 3, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou and Matsumoto disclose at least one lens (30 and 18) positioned and located in front of the at least one light source and the at least one reflector.

Regarding claim 4, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the at least one sign light shield is operably connected to a solenoid/motor (72) that moves the sign light shield between the first position and the second position (Figures 6-8).

Regarding claim 5, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses an operating mechanism operably connected to the solenoid/motor (72) that causes the solenoid to move the sign light shield between the first position and second position (Figures 6-8).

Regarding claim 6, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the at least one sign light shield is operably connected to a stepper motor (72) that moves the sign light shield between the first position and the second position (Figures 6-8).

Regarding claim 7, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses an operating mechanism operably connected to the stepper motor (72) that causes the stepper motor to move the sign light shield between the first position and second position (Figures 6-8).

Regarding claim 8, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses at least one cutoff shield (50,



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52) located and positioned in between the at least one light source and the at least one lens.

Regarding claim 9, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the at least one sign light shield (70) is positioned and located between the at least one cutoff shield (50, 52) and the at least one lens.

Regarding claim 10, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the at least one sign light shield is mounted to the at least one cutoff shield by a hinge that allows the sign light shield to move between the first position and the second position (Figures 2-3).

Regarding claim 11, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses a rotatable shaft (Figures 6-8) mounted to the cutoff shield, wherein the rotatable shaft can move the cutoff shield between a blocking position to create a low beam light pattern and a pass-through position to create a high beam light pattern.

Regarding claims 12 and 13, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Matsumoto et al. discloses the at least one sign light shield is positioned at an angle from a horizontal axis of between approximately 0-15 degrees (column 6, lines 40-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify workable range for the sign light shield at certain angle, since it has been held that where the general conditions of a claim are disclosed in the

prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 14, Albou et al. in view of Matsumoto et al. disclose the claimed invention, except for the specific material for the sign light shield.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize well known material such as aluminum for the light shield, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design variation. *In re Leshin*, 125 USPQ 416.

Regarding claim 15, Albou et al. discloses at least one light source (14) positioned within at least one reflector (20), at least one lens (30) positioned and located in front of the at least one light source (14) and the at least one reflector (20), a first cutoff shield (50) located between the at least one lens (30) and the at least one light source (14), at least one sign light shield (70) mounted to (Figures 1-3) the first cutoff shield in a position and a second cutoff shield (50) located between the at least one lens and the at least one light source.

Albou et al. discloses the claimed invention except for the details of the sign light shield reflects light through the at least one lens's upper portion.

Albou et al. suggest, columns 4-5, lines 65-2 and 20-30 (*obscuring element 60" is formed on a movable support 70 so as to be able to be interposed in the light beam according to the characteristics which it is wish to confer ... according to the part of the*

*light beam which it is wished to modify, the obscuring element 60" can be designed so that it has a predetermined shape and a predetermined position with respect to the optical axis AA).*

Matsumoto et al. teaches a similar vehicular projection type headlamp including a shade (20) partially blocking light reflected by a reflector and a visor like shield plate (22) attached on the back of the shade. The shade has an opening near the upper edge so as to allow a light distribution pattern to be formed for overhead sign illumination by the light radiated forward through the opening (Figures 4 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify obscuring element of Albou et al. to provide an improved structure for generating over head sign illuminating light of Matsumoto et al. The following modification would clearly benefit the driver(s) to view the overhead signs on the road during night driving.

Regarding claims 16 and 26, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the automotive headlamp assembly has a first setting (Figure 8), wherein the first cutoff shield is moved into a blocking position so that the sign light shield can reflect light emitted from the light source while the second cutoff shield occupies a pass-through position, a second setting (Figure 7), wherein the second cutoff shield is moved into a blocking position while the first cutoff shield occupies a pass-through position, and a third setting (Figure

6), wherein the first cutoff shield and second cutoff shield can be moved into a pass-through position.

Regarding claim 17, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses a rotatable shaft mounted to both the first cutoff shield and the second cutoff shield (Figures 6-8), wherein the rotatable shaft can rotate the first cutoff shield and the second cutoff shield in between the automotive headlamp assembly's first, second and third settings.

Regarding claim 18, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses an actuator (72 and 54) operably connected to the rotatable shaft that causes the rotatable shaft to rotate.

Regarding claim 19, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the actuator comprise a stepper motor (72 and 34).

Regarding claim 20, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses the actuator comprises a solenoid.

Regarding claims 21 and 22, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Matsumoto et al. discloses the at least one sign light shield is positioned at an angle from a horizontal axis of between approximately 0-15 degrees (column 6, lines 40-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to specify workable range for the sign light shield at certain angle,

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since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claim 23, Albou et al. in view of Matsumoto et al. disclose the claimed invention, explained above. In addition, Albou discloses at least one operating mechanism operably connected to the actuator that causes the actuator to rotate the rotatable shaft and the first and second cutoff shield between the automotive front lamp assembly's first, second and third settings.

Regarding claim 24, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. *Ex parte Pfeiffer*, 1962 C.D. 408 (1961). Albou et al. in view of Matsumoto et al. teaches structural limitations of applicant's claimed invention, explained above. It would have been obvious to recite mere claiming of a use of a particular structure taught by the prior art references Albou et al. in view of Matsumoto et al., explained above. Therefore, methods claims 24-25 are rejected under 35 USC § 103 rejections.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neumann et al. (USPN 5,673,990) – headlight

Eichler (USPN 6,312,147) – vehicle protection type headlamp with movable shade device

Takada (USPN 6,494,603) – headlamp for a vehicle

Schauwecker et al. (US 2001/0019484) – headlight for vehicle operating in accordance with projection principle


Hayakawa (USPN 6,607,295) – vehicle headlamp

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**